

1 ARIEL E. STERN, ESQ.
2 Nevada Bar No. 8276
3 STEVEN SHEVORSKI, ESQ.
4 Nevada Bar No. 8256
5 AKERMAN LLP
6 1160 Town Center Drive, Suite 330
7 Las Vegas, Nevada 89144
8 Telephone: (702) 634-5000
9 Facsimile: (702) 380-8572
10 Email: ariel.stern@akerman.com
11 Email: steven.shevorski@akerman.com

12 BRIAN P. MILLER, ESQ.
13 SAMANTHA J. KAVANAUGH, ESQ.
14 *Pro Hac Vice* Applications to be Submitted
15 AKERMAN LLP
16 One Southeast Third Avenue, 25th Floor
17 Miami, FL 33131
18 Telephone: (305) 374-5600
19 Facsimile (305) 374-5095
20 Email: brian.miller@akerman.com
21 Email: samantha.kavanaugh@akerman.com

22 *Attorneys for Defendants Liberator Medical Holdings, Inc.,*
23 *Mark Libratore, Jeannette Corbett, Tyler Wick,*
24 *Ruben Jose King-Shaw, Jr. and Philip Sprinkle*

25 **UNITED STATES DISTRICT COURT**
26
DISTRICT OF NEVADA

27 ANAT SAPAN and FALKO HOERNICKE,
28 Individually and On Behalf of themselves and
All Others similarly Situated,

29 Plaintiffs,

30 v.

31 LIBERATOR MEDICAL HOLDINGS, INC.;
32 MARK LIBRATORE; JEANNETTE
33 CORBETTE; TYLER WICK; RUBEN JOSE
34 KING-SHAW, JR; PHILIP SPRINKLE; C.R.
35 BARD, INC.; FREEDOM MERGERSUB, INC.,

36 Defendants.

37 Case No.: 2:15-cv-02484-APG-CWH

38 **STIPULATION FOR EXTENSION OF
39 TIME FOR DEFENDANTS TO RESPOND
40 TO COMPLAINT, REGARDING
41 SERVICE OF PROCESS, AND
42 REGARDING INITIAL SCHEDULING
43 CONFERENCES**

44 Plaintiffs Anat Sapan and Falko Hoernicke (“Plaintiffs”), and Defendants Liberator Medical
45 Holdings, Inc., Mark Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., Philip
46 Sprinkle, C.R. Bard, Inc., and Freedom MergerSub, Inc. (“Defendants”) (collectively, the “Parties”)
47 respectfully submit the following Stipulation:
48

1 1. Plaintiffs filed their Individual and Class Action Complaint (“Complaint”) on
 2 December 29, 2015.

3 2. On January 4, 2016, counsel for Defendants Liberator Medical Holdings, Inc., Mark
 4 Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., Philip Sprinkle (the
 5 “Liberator Defendants”) accepted service of process on behalf of all of the Liberator Defendants.
 6 Accordingly, the Liberator Defendants’ responses to the Complaint was due on January 25, 2016.¹

7 3. Defendant C.R. Bard, Inc. was served on January 5, 2016. (ECF No. 52.)
 8 Accordingly, C.R. Bard, Inc.’s response to the Complaint was due on January 26, 2016.

9 4. Defendant Freedom MergerSub, Inc. was served on January 5, 2016. Accordingly,
 10 Freedom MergerSub, Inc.’s response to the Complaint was due on January 26, 2016.

11 5. On January 15, 2016, this Court indicated it would stay the state law causes of action.

12 6. Thereafter, Defendants and Plaintiffs reached agreement wherein Plaintiffs agreed to
 13 withdraw their Motion for Temporary Restraining Order and Defendants agreed to provide Plaintiffs
 14 with the same limited discovery that Defendants had agreed to provide plaintiffs in the related
 15 Nevada State court actions, including participation in two Liberator depositions (of Tyler Wick and
 16 Robert Davis) and the production of certain documents on to-be-agreed-upon limited search terms.

17 7. The Parties hereby stipulate and agree that within 30 days of completion of the
 18 limited discovery agreed upon by the Parties and described in paragraph 6, the Parties shall confer
 19 regarding whether Plaintiffs intend to voluntarily dismiss their complaint, designate the operative
 20 complaint, or file an amended complaint, and Plaintiffs shall take such action.

21 8. Additionally, unless the Court orders otherwise, the Parties stipulate and agree that
 22 they will not be required to conduct their initial scheduling conferences pursuant to the Federal
 23 Rules of Civil Procedure until the Court’s resolution of any motions to dismiss filed in response to
 24 Plaintiffs’ designated operative or amended complaint. The Parties agree that, except for the limited

25
 26
 27 1 On January 25, 2016, all Defendants timely obtained Plaintiffs’ agreement to an extension of time to respond
 28 to the Complaint.

1 agreed-upon discovery described in paragraph 6, discovery shall be stayed until the Court's
2 resolution of any motions to dismiss filed by Defendants.

3
4 DATED this 9th day of February, 2016.

5 MUEHLBAUER LAW OFFICE, LTD.

6 */s/ Andrew R. Muehlbauer, Esq.*

7 ANDREW MUEHLBAUER, ESQ
8 Nevada Bar No. 10161
9 7915 West Sahara Ave., Suite 104
Las Vegas, NV 89117
Telephone: (702) 330-4505
Facsimile: (702) 825-0141
Email: andrew@mlolegal.com

10
11 Of Counsel:

12
13 GUSTAVO F. BRUCKNER, ESQ.
SAMUEL J. ADAMS, ESQ.
14 Admitted *Pro Hac Vice*
15 POMERANTZ LLP
600 Third Avenue
16 New York, NY 10016
Telephone: (212) 661-1100
Email: gfbruckner@pomlaw.com
Email: sjadams@pomlaw.com

17
18 *Attorneys for Plaintiffs Anat Sapan and*
Falko Hoernicke

19
20 DATED this 9th day of February, 2016.

21 AKERMAN LLP

22 */s/ Steven Shevorski, Esq.*

23 ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
STEVEN SHEVORSKI, ESQ.
Nevada Bar No. 8256
1160 Town Center Drive, Suite 330
Las Vegas, Nevada 89144
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: ariel.stern@akerman.com
Email: steven.shevorski@akerman.com

24
25 BRIAN P. MILLER, ESQ.
SAMANTHA J. KAVANAUGH, ESQ.
Pro Hac Vice Applications Pending
AKERMAN LLP
One Southeast Third Avenue, 25th Floor
Miami, FL 33131
Telephone: (305) 374-5600
Facsimile (305) 374-5095
Email: brian.miller@akerman.com
Email: samantha.kavanaugh@akerman.com

26
27 *Attorneys for Defendants Liberator Medical Holdings,*
Inc., Mark Libratore, Jeannette Corbette, Tyler Wick,
Ruben Jose King-Shaw, Jr. and Philip Sprinkle

1 DATED this 9th day of February, 2016.
2

3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
4

5 /s/ Jeffrey S. Rugg, Esq.
6 JEFFREY S. RUGG, ESQ.
7 Nevada Bar No. 10978
8 BENJAMIN K. REITZ, ESQ.
9 Nevada Bar No. 13233
10 100 North City Parkway, Suite 1600
11 Las Vegas, NV 89106
12 Telephone: (702) 382-2101
13 Facsimile: (702) 382-8135
14 Email: jrugg@bhfs.com
15 Email: breitz@bhfs.com

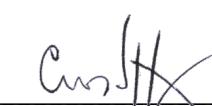
16 John A. Neuwirth, Esq.
17 *Pro Hac Vice* Application to be Submitted
18 WEIL, GOTSHAL & MANGES LLP
19 767 Fifth Avenue
20 New York, New York 10153
21 Telephone: (212) 310-8000
22 Email: john.neuwirth@weil.com

23 *Attorneys for Defendants C.R. Bard, Inc.*
24 and *Freedom MergerSub, Inc.*

25 **ORDER**

26 IT IS SO ORDERED.

27 IT IS FURTHER ORDERED that the parties must file a joint status report on March 14,
28 2016.



29 **UNITED STATES MAGISTRATE**

30 **JUDGE**

31 **DATED:** February 11, 2016

1
2
3
4
5
6**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I certify that on the 9th day of February, 2016, I served via CM/ECF electronic filing system, and/or deposited for mailing in the U.S. Mail postage prepaid, a true and correct copy of the foregoing **STIPULATION FOR EXTENSION OF TIME FOR DEFENDANTS TO RESPOND TO COMPLAINT, REGARDING SERVICE OF PROCESS, AND REGARDING INITIAL SCHEDULING CONFERENCES** addressed as follows:

<p>Gustavo F. Bruckner, Esq. Samuel J. Adams, Esq. Admitted <i>Pro Hac Vice</i> Pomerantz LLP 600 Third Avenue New York, NY 10016 Telephone: (212) 661-1100 Email: gfbruckner@pomlaw.com Email: sjadams@pomlaw.com</p> <p><i>Attorneys for Plaintiffs</i></p>	<p>Andrew R. Muehlbauer, Esq. Muehlbauer Law Office, Ltd. 7915 W. Sahara Avenue, Suite 104 Las Vegas, NV 89117 Telephone: (702) 330-4505 Facsimile: (702) 825-0141 Email: andrew@mlolegal.com</p> <p><i>Attorney for Plaintiffs</i></p>
<p>Patrick J Reilly, Esq. Holly Stein Sollod, Esq. Holland & Hart LLP 9555 Hillwood Drive, Second Floor Las Vegas, NV 89134 Telephone: (702) 669-4600 Facsimile: (702) 669-4650 Email: preilly@hollandhart.com Email: hsteinsollod@hollandhart.com</p> <p><i>Attorneys for Defendants Liberator Medical Holdings, Inc., Mark Libratore, Jeannette Corbette, Tyler Wick, Ruben Jose King-Shaw, Jr., and Philip Sprinkle</i></p>	<p>John A. Neuwirth, Esq. <i>Pro Hac Vice</i> Application to be Submitted Weil, Gotshal & Manges LLP 767 Fifth Avenue New York, New York 10153 Telephone: (212) 310-8000 Email: john.neuwirth@weil.com</p> <p><i>Attorneys for Freedom MergerSub, Inc. and C.R. Bard, Inc.</i></p>
<p>Jeffrey S. Rugg, Esq. Benjamin K. Reitz, Esq. Brownstein Hyatt Farber Schreck 100 N. City Pkwy., Suite 1600 Las Vegas, NV 89106 Telephone: (702) 464-7023 Facsimile: (702) 382-8135 Email: jrugg@bhfs.com Email: breitz@bhfs.com</p> <p><i>Attorneys for Freedom MergerSub, Inc. and C.R. Bard, Inc.</i></p>	

27
28
/s/ Julia M. Diaz

An Employee of AKERMAN LLP